

# Resource Guide for Employers



*Provided by the*  
**Missouri Department of Labor and Industrial Relations**

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# Introduction

As a new or established employer, you may have questions concerning rules and regulations that fall under the authority of the Missouri Department of Labor and Industrial Relations. This booklet is set up in a question-and-answer format to address many of those questions and provide you with a foundation of information that you will need.

The Missouri Department of Labor and Industrial Relations' mission is to provide employees with safe and healthy workplaces and ensure economic security for all Missourians by promoting equal access to jobs, enforcing anti-discrimination laws and awarding payment of compensation to unemployed, injured workers and victims of crime.

In pursuit of this mission, we work to provide employers like you with detailed, comprehensive and understandable information regarding your rights and responsibilities under unemployment insurance, workers' compensation, wage and hour and child labor laws. In addition, we provide information on issues concerning discrimination in the workplace and workplace safety and health.

*2001 Missouri Department of Labor and Industrial Relations*

The information provided in this booklet is based on statutes and regulations in effect at the time of the booklet's publication. Statutes and regulations are subject to change at all times. While every attempt has been made to assure accuracy and reliability, the Department of Labor and Industrial Relations makes no warranties, either express or implied, regarding the contents of this booklet.

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## *Frequently Asked Questions About* **Unemployment Taxes**

**Q. Do I have to pay Missouri unemployment tax?**

- A. An entity (person, partnership, corporation, etc.) that employs a worker may be liable for Missouri state unemployment tax. Liability depends on several factors, including the type of entity and the type of work being performed. As an employer, you must complete a form called, **Report to Determine Liability Status** and submit it to the Division of Employment Security, which will use your responses to determine whether you are liable for state unemployment tax. Even entities that are not liable must complete and return this form. You can get a copy of the Report to Determine Liability Status by visiting the Division's website at [www.dolir.state.mo.us/es](http://www.dolir.state.mo.us/es) or by calling (573) 751-3215.

**Q. How do I get set up to pay state unemployment tax?**

- A. Register with the Division of Employment Security by completing a **Report to Determine Liability Status** form. If you are liable for state unemployment tax, the Division will send you an official written determination to that effect and you will receive **Quarterly Contribution and Wage Reports** on which to report your employees' wages.

**Q. What is the unemployment tax rate for a new employer?**

- A. A new employer receives an assigned beginning tax rate based on its industrial classification. New employer tax rates can be found on our website at [www.dolir.state.mo.us/es/ui-tax/ratetabl.htm](http://www.dolir.state.mo.us/es/ui-tax/ratetabl.htm), or by calling (573) 751-3215.

**Q. How can I reduce my unemployment tax rate?**

- A. A beginning rate is fixed for all new employers of the same industrial classification and cannot be affected by an employer. However, after two to three years an employer usually becomes eligible for an experience rate, which is based partly on the claims against the employer's account. An employer may attempt to keep an experience rate lower by maintaining stable employment (few layoffs) and by reviewing unemployment claims against its account to ensure that they are not in error. For more information on your account, please call (573) 751-3412.

**Q. Is Missouri a “credit reduction state”?**

- A. Employers in certain states do not receive the full 5.4 percent credit on their federal unemployment tax for paying state unemployment tax. These are called “credit reduction states.” Missouri is not a credit reduction state.

**Q. Where do I get a federal identification number?**

- A. The Internal Revenue Service issues federal employer identification numbers (FEIN). The IRS provides information on the Internet at [www.irs.gov](http://www.irs.gov) about who must have an FEIN and how to get one. The site also has an index of some other helpful teletax employer tax topics. You can request a form SS-4 (FEIN application) and instructions by calling the IRS at (800) TAX-FORM or (800) 829-3676.

**Q. What are the requirements for federal unemployment tax?**

- A. The reporting requirements of the Federal Unemployment Tax Act (FUTA) are similar to those of Missouri unemployment tax, but are **not** identical. The Internal Revenue Service administers federal unemployment tax act. Contact them for information on your liabilities for federal unemployment tax at (800) 829-1040.



## *Frequently Asked Questions About* **Unemployment Insurance Claims**

**Q. How does a worker file an unemployment insurance claim?**

- A. When a worker becomes partially or totally unemployed, a new or renewed claim may be filed by telephoning a Regional Claims Center. Telephone numbers for the four Regional Claims Centers are: Jefferson City (573) 751-9040; Kansas City (816) 889-3101; Springfield (417) 895-6851 and St. Louis (314) 340-4950. Workers calling from outside the local calling area may use the toll free number (800) 320-2519. The Regional Claims Centers' normal business hours are 8 a.m. to 4 p.m. Central Time, Monday through Friday.

A worker may also file a claim by accessing the Division of Employment Security's Internet site 24-hours a day at [www.mocclaim.com](http://www.mocclaim.com), or through the Missouri State Government Home Page at: <http://www.state.mo.us> and then clicking on "Unemployment Benefits."

**Q. How much can a worker receive in unemployment insurance benefits?**

- A. Although unemployment insurance benefits are subject to change by the Missouri Legislature, as of October 1, 2001, the weekly benefit amounts payable in Missouri range from \$40 to \$250. A worker may be qualified for up to 26 times the weekly benefit amount during the benefit year. The amount a qualified worker may receive is figured on wages paid to the worker during the 12-month period consisting of the first four of the last five completed calendar quarters before the beginning date of the claim. Weekly benefits for insured workers will be four percent of the highest quarter wages, not to exceed the maximum of \$250 per week.

**Q. Who pays for these benefits?**

- A. Generally, the costs for the benefits are paid by employers liable for unemployment insurance taxes under the Missouri Employment Security Law. Each employer's account is charged in ratio to the amount of the workers' wages paid by the employer during the workers' base period. An employer's account may be relieved of charges if it is found the worker committed a disqualifying act, such as being fired for misconduct connected to the work or quitting for reasons not attributable to the work or the employer. Governmental and eligible nonprofit organizations that have chosen to be reimbursable employers are not relieved of

charges based on a worker's disqualification. Nothing is withheld from the worker's check to pay for unemployment insurance benefits.

**Q. How do I know if a current or former worker has filed a claim for unemployment insurance?**

- A. If a claim has been filed, you will receive a written notice from the Division of Employment Security. The three most common notices are: "Notice to Base Period Employer of Claim Filed for Unemployment Benefits," "Notice to Last Employer of Claim Filed for Unemployment Benefits," and "Notice of Renewal of Claim for Unemployment Benefits."

**Q. How do I object to a worker receiving unemployment insurance benefits?**

- A. You must file a written protest by mail or fax within the time limits specified on the claims notice. It is important that the protest be filed in a timely manner. The address of the appropriate Regional Claims Center is on the notice. The fax number is also on the claims notice.

**Q. What happens if I don't file a protest within the time limits specified on the claims notice?**

- A. If a timely protest is not filed, you lose the right to have the Appeals Tribunal review the case if unemployment insurance benefits are allowed over the protest.

**Q. What are some reasons to protest a claim?**

- A. You may protest any time there is a belief that the worker should be denied unemployment insurance benefits. In general, you should protest the claim if the worker quit for reason(s) not attributable to the work or the employer, or if the worker was fired for misconduct connected to the work. You should also protest if the worker has refused work or if you know that the worker is not able to work or available for fulltime work. A few other reasons for protesting a claim include, but are not limited to: a) receipt of vacation pay; b) receipt of a company funded pension; c) involvement in a labor dispute such as a strike or lockout at the employer's business premises; d) receipt of workers' compensation, and e) suspension from the job for reasons constituting misconduct connected to the work.

**Q. What should I include in the protest?**

- A. You should include the details of the incident(s) that caused the separation from the job or any other details that will support the contention that the worker should not be paid unemployment insurance benefits. Other documents such as copies of pertinent personnel policies, documentation of disciplinary warnings or actions, copies of medical or laboratory reports, and/or any other items that might support the protest can be included. It is also helpful to include the name and telephone number of a contact person within your business in case the Division of Employment Security needs additional information.

**Q. How do I know the outcome of my protest?**

- A. If a timely protest to the notice of claim has been filed, the Division of Employment Security will notify you in writing when a determination has been made regarding the issues raised in the protest. If you disagree with the determination, the appeal rights and the time frame for filing a timely appeal are contained in the notification.

**Q. Where can I find additional information about unemployment insurance?**

- A. The Division of Employment Security has numerous booklets and pamphlets that employers can request free of charge. This material explains other aspects of unemployment claims, benefit charges and employers' rights and responsibilities. Employers may also visit the Division of Employment Security's web site on the Internet at: <http://www.dolir.state.mo.us/es/index.htm>. Employers can submit questions through the Internet by sending an e-mail to: [weblord@dolir.state.mo.us](mailto:weblord@dolir.state.mo.us) or can write to:

Missouri Division of Employment Security  
421 East Dunklin Street  
P. O. Box 59  
Jefferson City, Missouri 65104-0059

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Division of Employment Security  
421 East Dunklin Street  
P.O. Box 59  
Jefferson City, MO 65104-0059  
Telephone: (573) 751-3215

Fax: (573) 751-4945  
Claims E-mail: **ESUIClaims@dolir.state.mo.us**  
Tax E-mail: **ESEmptax@dolir.state.mo.us**  
Web Address: www.dolir.state.mo.us/es

## *Frequently Asked Questions About* **Unemployment Insurance Appeals**

**Q. How do I appeal an unemployment insurance determination?**

- A. Send your appeal, in writing, to the address given on the determination. You must send your appeal on or before the date listed on the determination.

**Q. Who can file an unemployment insurance appeal?**

- A. Any officer or employee of the employer, a licensed attorney on the employer's behalf or the claimant may file an appeal of the deputy's determination. The appeal must be signed.

**Q. What happens once an appeal is filed?**

- A. It will be forwarded to the Appeals Tribunal in Jefferson City so that a hearing with a referee may be scheduled.

**Q. What happens if one of the parties doesn't participate in the hearing?**

- A. If you are the appealing party and do not participate the hearing the appeal will be dismissed and the deputy's determination will stay the same. If the claimant appealed and you do not take part in the hearing, the referee's decision may be based solely on the claimant's testimony. Therefore, it is very important that you attend the hearing unless a postponement is granted.

**Q. What should I do if I cannot participate in the hearing?**

- A. Notify the referee assigned the case immediately when you know you cannot participate in the scheduled hearing and request a postponement. The referee's name is located in the middle of the **Notice of Hearing**. The referee's telephone and fax number are printed at the bottom of the Notice of Hearing. Postponements are rarely granted and only for exceptional reasons. Make sure that you notify the referee as soon as possible before the hearing if you are unable to participate for any reason.

**Q. How should I prepare for the hearing?**

- A. Start immediately to gather any papers relating to the issues such as correspondence from the claimant, union contracts, warning notices or medical statements. Also, be certain that any witnesses or others with

direct knowledge of the events in question are available to participate in the hearing.

It is your responsibility to present evidence and testimony to prove your case. The referee will not investigate or contact witnesses for you. The referee will decide the case upon the evidence that is presented in the hearing.

Since the hearing with the referee is the one chance you will have to tell your story, be prepared to tell the referee everything you think is important and to present all witnesses and evidence at the hearing. You will not be allowed another hearing by the Labor and Industrial Relations Commission to present evidence which you failed to offer the first time unless you show that it is newly discovered evidence.

**Q. How will I be informed of the decision?**

- A. A written decision will be mailed to you, your attorney, the claimant and the claimant's attorney, if any, as soon as possible. The decision will explain your right of appeal if you are dissatisfied with the decision.

**Q. What can I do if the appeal decision is not in my favor?**

- A. If you disagree with the referee's decision, you can appeal to the Labor and Industrial Relations Commission. You are not required to state the reasons why you disagree with the decision but you may set out a brief statement of why you think the decision is incorrect. If you did not take part in the referee's hearing, the case will not be reopened unless you establish that you had a good reason for not participating. If the case is reopened, another hearing will be held and a new decision will be issued, which can also be appealed.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Missouri Department of Labor and Industrial Relations  
Unemployment Insurance Appeals Section  
421 East Dunklin Street  
P.O. Box 59  
Jefferson City, MO 65104-0059  
Telephone: (573) 751-3913  
Fax: (573) 751-5620  
Appeals E-mail: [AppealsTribunal@dolir.state.mo.us](mailto:AppealsTribunal@dolir.state.mo.us)  
Web Address: [www.dolir.state.mo.us/es](http://www.dolir.state.mo.us/es)

*Frequently Asked Questions About*

## **Unemployment Insurance Hearing Decision Appeals**

**Q. How do I appeal a hearing decision to the Labor and Industrial Relations Commission?**

- A. Use the Application for Review form or file the appeal by letter. If you would like a copy of the form, please call the Commission at (573) 751-2461 or visit [www.dolir.state.mo.us/es](http://www.dolir.state.mo.us/es). Appeals must be taken within 30 days of the appeals referee's decision.

**Q. How do I appeal a Commission decision in unemployment cases?**

- A. An appeal must be taken to the Missouri Court of Appeals within 30 days. File Form 8-D, Unemployment Insurance Notice of Appeal with the Labor and Industrial Relations Commission. If you would like a copy of this form, please call the Commission at (573) 751-2461 or visit [www.dolir.state.mo.us/lirc/forms](http://www.dolir.state.mo.us/lirc/forms).

**Q. Can I get an extension to file my brief?**

- A. This is specific to each case, but in general a short extension can be granted with Commission approval. Call the Commission at (573) 751-2461 for more information.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Labor and Industrial Relations Commission  
3315 West Truman Boulevard Room 214  
P.O. Box 599  
Jefferson City, MO 65102-0599  
Telephone: (573) 751-2461  
Fax: (573) 751-7806  
E-mail: [lirc@dolir.state.mo.us](mailto:lirc@dolir.state.mo.us)

## *Frequently Asked Questions About* **Workplace Discrimination**

**Q. What is the legal definition of sexual harassment?**

A. Sexual harassment is defined as any behavior of a sexual nature that is unwelcome. It includes verbal comments as well as physical touching, “dirty” pictures or lewd jokes. Situations are analyzed on a case-by-case basis.

**Q. What is discrimination?**

A. Discrimination is treating a person or a group of persons worse than others are treated under the same or similar circumstances, or denying a person or persons the same benefits or privileges provided to others because of that person’s race, color, sex, age, national origin, ancestry, religion, disability or familial status (families with children).

**Q. What kind of questions should I avoid asking in a job interview?**

A. Any questions about race, ethnic origin, age or sex are prohibited. If the person has a recognizable disability, an employer can ask if the person will need a specific accommodation to perform the essential functions of the job. The Missouri Commission on Human Rights has a brochure that describes the types of questions that are and are not acceptable. The brochure is titled the **Revised Guide to Pre-Employment Inquiries** and is available free of charge by contacting any of the offices of the Missouri Commission on Human Rights. Contact information can be found following this section.

**Q. Do I have to let a pregnant employee work until she has a doctor’s release, or can I relieve her of her duties now?**

A. The employee should be allowed to work until her doctor tells her she must quit work.

**Q. Can I change a pregnant employee’s duties?**

A. Not unless she has a doctor’s excuse.

**Q. I have an employee who is on maternity leave. Do I have to keep her position open?**

A. Yes, if the employee is covered by the Family Medical Leave Act (FMLA). Also, if you keep positions open for other temporary medical



problems, you must do the same for pregnancy. Otherwise it can be considered as treating an employee who is pregnant differently based on her sex.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Missouri Commission on Human Rights  
3315 West Truman Boulevard Room 212  
P.O. Box 1129  
Jefferson City, MO 65102-1129  
Telephone: (573) 751-3325  
Fax: (573) 751-2905  
E-mail: **MCHR@dohr.state.mo.us**

Kansas City: (816) 889-5100  
Sikeston: (573) 472-5320  
St. Louis: (314) 340-7590

*Frequently Asked Questions About*

## **The Americans with Disabilities Act (ADA)**

**Q. What employers are covered by Title I of the ADA, and when is the coverage effective?**

A. The Title I employment provisions apply to private employers, state and local governments, employment agencies and labor unions. Employers with 25 or more employees were covered as of July 26, 1992. Employers with 15 or more employees were covered two years later, beginning July 26, 1994.

**Q. What practices and activities are covered by the employment nondiscrimination requirements of the ADA?**

A. The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits and all other employment-related activities.

**Q. Who is protected from employment discrimination under the ADA?**

A. Employment discrimination is prohibited against “qualified individuals with disabilities.” This includes applicants for employment and employees. An individual is considered to have a “disability” if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Persons discriminated against because they have a known association or relationships with an individual with a disability also are protected.

**Q. Who is a “qualified individual with a disability” under the ADA?**

A. A qualified individual with a disability is a person who meets legitimate skill, experience, education or other requirements of an employment position that he or she holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. Requiring the ability to perform “essential” functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions.

**Q. Does an employer have to give preference to a qualified applicant with a disability over other applicants?**

- A. No. An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to a disability. For example, suppose two persons apply for a job as a typist and an essential function of the job is to type 75 words per minute accurately. One applicant, an individual with a disability, who is provided with a reasonable accommodation for a typing test, types 50 words per minute; the other applicant who has no disability accurately types 75 words per minute. The employer can hire the applicant with the higher typing speed, if typing speed is needed for successful performance of the job.

**Q. What limitations does the ADA impose on medical examinations and inquiries about disability?**

- A. An employer may not ask or require a job applicant to take a medical examination before making a job offer. It cannot make any pre-employment inquiry about a disability or the nature or severity of a disability. An employer may, however, ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how he or she would perform these functions.

An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. A post-offer examination or inquiry does not have to be job-related and consistent with business necessity.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to the restrictions of such examinations.

**Q. What is “reasonable accommodation?”**

- A. Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

**Q. Must an employer modify existing facilities to make them accessible?**

- A. The employer's obligation under Title I is to provide access for an individual applicant to participate in the job application process, and for an individual employee with a disability to perform the essential functions of his or her job, including access to a building, to the work site, to needed equipment, and to all facilities used by employees. For example, if an employee lounge is located in a place inaccessible to an employee using a wheelchair, the lounge might be modified or relocated, or comparable facilities might be provided in a location that would enable the individual to take a break with co-workers. The employer must provide such access unless it would cause an undue hardship.

**Q. What financial assistance is available to employers to help them make reasonable accommodations and comply with the ADA?**

- A. A special tax credit is available to help smaller employers make accommodations required by the ADA. An eligible small business may take a tax credit of up to \$5,000 per year for accommodations made to comply with the ADA. The credit is available for one-half the cost of "eligible access expenditures" that are more than \$250 but less than \$10,250.

A full tax deduction, up to \$15,000 per year, also is available to any business for expenses of removing qualified architectural or transportation barriers. Expenses covered include costs of removing barriers created by steps, narrow doors, inaccessible parking spaces, restroom facilities and transportation vehicles. Information about the tax credit and the tax deduction can be obtained from a local IRS office at (800) 829-1040, or by contacting the Office of Chief Counsel, Internal Revenue Service.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Governor's Council on Disability  
3315 West Truman Boulevard Room 132  
P.O. Box 1668  
Jefferson City, MO 65102-1668  
Telephone: (573) 751-2600  
Fax: (573) 526-4109  
Toll Free: (800) 877-8249  
E-mail: [gcd@dolir.state.mo.us](mailto:gcd@dolir.state.mo.us)  
Missouri Assistive Technology E-mail: [matpmo@swbell.net](mailto:matpmo@swbell.net)

*Frequently Asked Questions About*  
**The Family Medical Leave Act  
(FMLA)**

**Q. Who does the FMLA Apply to?**

- A. FMLA applies to all:
- Public agencies, including state, local and federal employers, local education agencies (schools), and
  - Private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce – including joint employers and successors of covered employers.

**Q. How much leave is an employee entitled to under FMLA?**

- A. Eligible employees are entitled to 12 weeks of leave for certain family and medical reasons during a 12-month period.

**Q. Which employees are eligible to take FMLA leave?**

- A. Employees are eligible to take FMLA leave if they have worked for their employer for at least 12 months, and have worked for at least 1,250 hours over the previous 12 months, and work at a location where at least 50 employees are employed by the employer within 75 miles.

**Q. How is the 12-month period calculated under FMLA?**

- A. Employers may select one of four options for determining the 12-month period:
- The calendar year;
  - Any fixed 12-month “leave year” such as a fiscal year, a year required by state law, or a year starting on the employee’s “anniversary” date;
  - The 12-month period measured forward from the date any employee’s first FMLA leave begins; or
  - A “rolling” 12-month period measured backward from the date an employee uses FMLA leave.

**Q. Do the 12 months of service with the employer have to be continuous or consecutive?**

- A. No. The 12 months do not have to be continuous or consecutive; all time worked for the employer is counted.

**Q. Do the 1,250 hours include paid leave time or other absences from work?**

A. No. The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA leave, are not included.

**Q. Does the FMLA guarantee paid time off?**

A. No. The FMLA only requires unpaid leave. However, the law permits an employee to elect, or the employer to require the employee, to use accrued paid leave, such as vacation or sick leave, for some or all of the FMLA leave period. When paid leave is substituted for unpaid FMLA leave, it may be counted against the 12-week FMLA leave entitlement if the employee is properly notified of the designation when the leave begins.

**Q. Can the employer count time on maternity leave or pregnancy disability as FMLA leave?**

A. Yes. Pregnancy disability leave or maternity leave for the birth of a child would be considered qualifying FMLA leave for a serious health condition and may be counted in the 12 weeks of leave so long as the employer properly notifies the employee in writing of the designation.

**Q. Who is considered an immediate “family member” for purposes of taking FMLA leave?**

A. An employee’s spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The term “parent” does not include a parent “in-law”. The terms son or daughter do not include individuals age 18 or over unless they are “incapable of self-care” because of mental or physical disability that limits one or more of the “major life activities” as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Governor’s Council on Disability  
3315 West Truman Boulevard Room 132  
P.O. Box 1668  
Jefferson City, MO 65102-1668

Telephone: (573) 751-2600

Fax: (573) 526-4109

Toll Free: (800) 877-8249

E-mail: **gcd@dolir.state.mo.us**

Missouri Assistive Technology E-mail: **matpmo@swbell.net**

### *Frequently Asked Questions About*

## **Wages and Workplace Standards**

**Q. Are breaks or lunch periods required?**

A. There are no state laws regarding breaks or lunch periods. These issues might be addressed by company policy, or could be covered by union contract.

**Q. Are benefits such as vacation, sick leave and health insurance required?**

A. Missouri has no law requiring paid vacations for private sector employment. This is an issue that must be addressed by the employee with his or her employer. The state of Missouri does not have a law that requires employers to offer any type of fringe benefit, such as insurance or sick leave.

**Q. When are final wages due to a terminated employee?**

A. Wages are due at the time of termination. If not paid at that time, the employee should contact their former employer by certified mail return receipt requested, requesting wages that are due. The employer has seven days to respond to the written request. If the employer does not respond in seven days, because the state of Missouri does not have authority to collect wages for any individual, any moneys due would have to be collected by private legal action. Suit may be filed in small claims court if the amount claimed is under \$3,000 or by private legal action for a greater amount.

**Q. When are final wages due to an employee who quits?**

A. There are no requirements under Missouri law that address when wages are due when an employee quits a job. If wages are not paid by the next regular pay period, then the wages would have to be collected by legal action. If the amount claimed is less than \$3,000 the employee can file for the amount due in small claims court or by private legal action for a greater amount.

**Q. Do I have to furnish employees with a statement of deductions?**

A. At least once a month you are required to furnish employees a statement of deductions as part of a check or in a separate document. If an employee does not receive a statement of deductions, they must take private legal action to get one.



**Q. Can I require my employees to work more than eight hours a day or more than 40 hours a week?**

- A. Missouri has no laws restricting the number of hours an employer can require an employee to work. If the employee refuses to work the requested hours, you can terminate the employee without violating any laws. If the employee is covered under the federal overtime law, (if the businesses' gross annual volume sales made or business done is more than \$500,000), they are to be paid time-and-one-half for any hours over 40 hours in a workweek.

**Q. Can I reduce the wages of my employees?**

- A. An employer can reduce an employee's wages without violating any law. However, an employer subject to the Federal Fair Labor Standards Act (FLSA) may not reduce an employee's wages below the federal minimum or below state minimum wage. Missouri law requires employers to give a 30-day written notice of reduction of wages. No state agency enforces this law. Recovery of wages under this statute would have to be done by a private legal action.

**Q. Is an employee required to give two weeks notice when he or she quits?**

- A. No. Missouri courts go by a doctrine of "Employment-at-Will" which does not require any notice. The state laws provide no requirement for notice from or for employers.

**Q. When does overtime come into effect?**

- A. Overtime is based on a 40-hour workweek, not an eight-hour day. The Federal Fair Labor Standards Act (FLSA) requires certain employers to pay one-and-one-half times the regular rate of wages for hours over 40 in a workweek.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Division of Labor Standards  
3315 West Truman Boulevard Room 205  
P.O. Box 449  
Jefferson City, MO 65102-0449  
Telephone: (573) 751-3403  
Fax: (573) 751-3721  
Toll Free: (800) 475-2130  
E-mail: [LaborStandards@dolir.state.mo.us](mailto:LaborStandards@dolir.state.mo.us)

## *Frequently Asked Questions About* **Child Labor Laws**

**Q. At what age can a young person start working?**

A. Young people under the age of 14 are allowed to work only in limited areas such as the entertainment industry. Young people 14 to 15 years of age are permitted to work in a number of different types of businesses, with the majority working in some form of retail or food services. The employment of young people over the age of 16 does not fall under Missouri law, but some restrictions do exist under federal law.

**Q. What jobs are not allowable?**

A. Prohibited occupations generally involve dangerous equipment (cookers, slicers), dangerous materials (such as toxic chemicals) or dangerous duties (driving, roofing). In addition there are specific restrictions regarding employment in hotels and in businesses that sell alcoholic beverages. For specific descriptions of allowable working hours and prohibited occupations, please call the Division of Labor Standards at (800) 475-2130, e-mail [LaborStandards@dolir.state.mo.us](mailto:LaborStandards@dolir.state.mo.us), or see Section 294.040 at the Revised Statutes of Missouri.

**Q. If a young person works for a parent does the law still apply?**

A. The only allowable exemption occurs when the business is owned by the parent or legal guardian and the child remains under the direct control of the parent or legal guardian. If the parent is simply a supervisor, the law still applies.

**Q. If the parent, the employer and the young person all agree upon the terms of employment, does the law still apply?**

A. Yes. There can be no “mutual agreement” to violate the law.

**Q. What is a work certificate?**

A. This is a form any person 14 to 15 years of age must give to an employer before working during the school months. The work certificate is issued by the local school superintendent's office and requires certain information about the employee, the employer, and the type of work. The work certificate also requires parental consent and approval of the issuing office. Parental consent is required when obtaining a work certificate, but parental consent by itself is not enough. Only complete work certificates are valid.

**Q. Is a home/private-schooled student required to have a work certificate?**

- A. A work certificate is required for all working youth under the age of 16 regardless of where they are educated.

**Q. Can the issuance of a work certificate be denied?**

- A. A work certificate shall be issued after the issuing officer is assured that the youth has parental consent and is satisfied that the employment will serve the best interest of the youth. Consideration for denial may include, among other things, that there is a possibility of engaging in a prohibited occupation, or the appearance of working times or hours not in compliance. It may also include verification of academic standing.

**Q. What is a work permit?**

- A. A work permit, more commonly called an entertainment permit, is a form issued by the Division of Labor Standards permitting an individual younger than the age of 16 to work in the entertainment industry.

**Q. What if Missouri law and federal law do not agree?**

- A. The federal law, specifically known as the Fair Labor Standards Act, applies when a company does over \$500,000 in annual business, or engages in interstate commerce. When both Missouri law and the federal law apply but do not agree on a particular point, the stricter law applies, but both sets of laws must be complied with.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Division of Labor Standards  
3315 West Truman Boulevard Room 205  
P.O. Box 449  
Jefferson City, MO 65102-0449  
Telephone: (573) 751-3403  
Fax: (573) 751-3721  
Toll Free: (800) 475-2130  
E-mail: [\*\*LaborStandards@dolir.state.mo.us\*\*](mailto:LaborStandards@dolir.state.mo.us)

## *Frequently Asked Questions About* **Workers' Compensation**

**Q. What is the Missouri Workers' Safety Program (MWSP)?**

- A. The MWSP is an outreach program of the Missouri Division of Workers' Compensation. The program's safety consultants help employers reduce workplace accidents and provide advice on ways to reduce workers' compensation insurance premiums.

The program also:

- Certifies the safety programs available from insurance carriers;
- Certifies safety consultants and engineers available for hire;
- Provides free copies of a wide variety of safety publications;
- Provides employers with a lending library of safety videos at no charge.

MWSP services are offered at no charge and with "no strings attached". They do not cite, fine or penalize employers in any way. The MWSP does not make referrals to OSHA.

**Q. Am I required to carry workers' compensation insurance?**

- A. According to Missouri law, workers' compensation coverage is compulsory for all employers who have five or more employees. Construction industry employers who erect, demolish, alter or repair improvements must carry workers compensation insurance if they have one or more employees. Partners and sole proprietors may elect to obtain workers' compensation coverage on themselves. Any employer who is not required by law to carry workers' compensation coverage may elect coverage by purchasing and accepting a valid workers' compensation insurance policy.

**Q. Who determines the medical care for the injured worker?**

- A. The employer has the right to select the health care provider such as the doctor, hospital or clinic. Often, the employer allows the insurance company to make this selection. The employer is not required to change treating physicians when asked to do so by the injured worker. However, in many cases, when the employer honors such a request the change may result in better treatment for the employee.

**Q. Can a corporation be exempt from workers' compensation requirements?**

- A. A corporation may be exempt from workers' compensation requirements only if there are no more than two owners of the corporation and those two owners are the only employees of the corporation. Such a corporation may be exempt only after filing with the Division a **Notice of Election to Withdraw** (Form 65). This notice may be requested by calling (573) 751-4231.

**Q. Who is an "employee" under the workers' compensation law?**

- A. An employee is defined as every person in the service of any employer pursuant to any contract of hire or pursuant to any appointment or election including executive officers of a corporation. An employee is covered whether full or part-time and an employee is covered from the first day on the job.

**Q. How can I find an insurance company?**

- A. Call the Missouri Department of Insurance toll-free at (888) 200-1697 to find out what rates insurance companies may offer for certain classes of business. You need to know the four-digit class code in order to determine the applicable rates. Class codes can be obtained from the National Council on Compensation Insurance by calling (800) 622-4123.

**Q. Can a contractor require a sub-contractor or independent contractor to carry workers' compensation insurance on themselves and their employees?**

- A. Yes, although a sub-contractor or independent contractor may be a sole proprietor and not required to carry workers' compensation insurance under the law. The contractor, as part of the contract, may choose to hire only those contractors who carry their own workers' compensation insurance.

**Q. What is the self-insurance program?**

- A. The self-insurance program offers an alternative to traditional workers' compensation insurance policies. For an employer to self-insure its workers' compensation liabilities, the employer must satisfy the requirements of the Division. The Division's requirements include financial soundness, acceptable safety and health program, appropriate case management and administrative ability to manage the self-insurance program. Larger employers may apply to self-insure individually. Small to

midsize employers may use trust funds as a means to self-insure. For further information, call (573) 526-3692 or e-mail [Workerscomp@dolir.state.mo.us](mailto:Workerscomp@dolir.state.mo.us).

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Division of Workers' Compensation  
3315 West Truman Boulevard Room 131  
P.O. Box 58  
Jefferson City, MO 65102-0058  
Telephone: (573) 751-4231  
Fax: (573) 751-2012  
E-mail: **Workerscomp@dolir.state.mo.us**

*Frequently Asked Questions About*  
**Workers' Compensation  
Award Appeals**

**Q. How can I appeal to the Labor and Industrial Relations Commission on a workers' compensation case?**

- A. Use the **Application for Review** form found at [www.dolir.state.mo.us/lirc/forms](http://www.dolir.state.mo.us/lirc/forms) or you can call the Commission at (573) 751-2461 for a copy. You may also submit your appeal by letter. Appeals must be taken within 20 days of the administrative law judge's award.

**Q. How do I appeal a Commission decision in a workers' compensation case?**

- A. An appeal must be taken to the Missouri Court of Appeals within 30 days. Please use Form 8-C Notice of Appeal. For a copy of this form, visit [www.dolir.state.mo.us/lirc/forms](http://www.dolir.state.mo.us/lirc/forms) or call the Commission at (573) 751-2461.

**Q. How does the Labor and Industrial Relations Commission expedite hardship cases in workers' compensation?**

- A. Hardship cases are flagged and the transcript is prepared in an expedited manner, briefing time is reduced, with no extensions granted and the need for oral argument is scrutinized. This is done to minimize any delays that may occur.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

Labor and Industrial Relations Commission  
3315 West Truman Boulevard Room 214  
P.O. Box 599  
Jefferson City, MO 65102-0599  
Telephone: (573) 751-2461  
Fax: (573) 751-7806  
E-mail: [lirc@dolir.state.mo.us](mailto:lirc@dolir.state.mo.us)

*Frequently Asked Questions About*

## **Public Employee Bargaining Rights**

**Q. What is the State Board of Mediation?**

- A. The State Board of Mediation is responsible for determining an appropriate bargaining unit of public employees who are interested in organizing. The Board also determines majority representative status by conducting an election.

**Q. How are the members of the State Board of Mediation selected?**

- A. The Board members are appointed by the Governor and confirmed by the state Senate. The Board consists of five members: a full time chairman; two who are employers of labor or selected from an association representing employers of labor; and two who are employees holding membership in a bona fide trade or labor union. The chairman serves as the neutral party and is neither an employee nor an employer of labor.

**Q. What is the State Board of Mediation's jurisdiction?**

- A. Certain public employees have the right to join a union; however, they have no right to strike or enforce any agreements they may reach with the public employer.

Jurisdiction includes all public employees employed by:

- Counties
- Municipalities
- School Districts
- Special Districts
- State Government

Excluded public employees include police, deputy sheriffs, Missouri State Highway Patrol, Missouri National Guard and all teachers in Missouri schools, colleges and universities.

**Q. What is the meet and confer process?**

- A. Missouri's public sector labor law requires the public employer to meet and confer with the exclusive bargaining representative to discuss proposals relative to salaries and other conditions of employment. The



results of the meet and confer process are reduced to writing in the form of a Memorandum of Understanding and submitted to the public employer's governing body for approval, modification or rejection.

**Q. What is the certification process?**

- A. The steps involved in filing a petition with the Board are:
- A petition is filed with Board by any public employee, group of public employees or employee organization claiming to represent a majority.
  - The petitioner must have a 30% showing of interest to continue the process.
  - A preliminary conference is held to determine an appropriate bargaining unit of employees and to set up an election.
  - If the parties are not in agreement, the chairman conducts a formal hearing at a later date. The chairman and two board members make a bargaining unit determination from the evidence presented at the hearing and a decision is issued.
  - The chairman conducts an election for the eligible employees to decide on union representation. The union must receive a majority of the votes cast.
  - The parties are given ten days to file objections to the election.
  - If no objections are filed, the Board issues a certification of the results of the election.
  - Appeals may be filed with the circuit court.

*For clarification on any questions/answers in the above section or if you desire additional related information please contact:*

State Board of Mediation  
3315 West Truman Boulevard Room 202  
P.O. Box 591  
Jefferson City, MO 65102-0591  
Telephone: (573) 751-3614  
Fax: (573) 751-0215  
E-mail: **[sbm@dolir.state.mo.us](mailto:sbm@dolir.state.mo.us)**

# Employer Required Federal & State Workplace Posters

Various state and federal laws require employers to display certain posters for the benefit of employees in order to inform them of key provisions in the law. The following information has been collected to act as a guide in obtaining required posters.

The information does not suggest that these are the only posters required nor does it relieve employers of the responsibility of posting required notices not included in this guide. The following only describes required posters commonly requested of the Missouri Department of Labor and Industrial Relations. Laws affecting a smaller number of employers may require additional posters.

Covered employers should display the required posters where present and prospective employees can easily view them, such as near employee time clocks or in break rooms.

## Posters Required by Missouri state government

1. Poster **MODES-B-2 Notice to Workers Concerning Unemployment Benefits**. Required by Division of Employment Security regulation 8 CSR 10-3.070.
2. Poster **WC-106 Workers' Compensation**. Required by section 287.127 of the Missouri Revised Statutes.
3. Poster **MCHR-9 Discrimination in Employment**. Required by Missouri Commission on Human Rights.

Items 1, 2 or 3 may be requested from the Missouri Department of Labor and Industrial Relations, Administrative Services Section, PO Box 59, Jefferson City MO 65104-0059, telephone (573) 751-3194, or can be found on the Department's web site at [www.dolir.state.mo.us](http://www.dolir.state.mo.us).

## Posters Required by United States government

4. **Equal Employment Opportunity is the Law**, this is a multi-purpose poster that helps ensure compliance with federal civil rights statutes and regulations. Every employer, employment agency

and labor organization is required to display this poster in a conspicuous place. You can request a copy from the Office of Equal Employment Opportunity at telephone (800) 669-4000.

5. Wage and Hour Publication 1088 **Your Rights Under the Fair Labor Standards Act – Federal Minimum Wage.**
6. Wage and Hour Publication 1420 **Your Rights Under the Family and Medical Leave Act of 1993.**
7. Wage and Hour Publication 1462 **Notice: Employee Polygraph Protection Act.**

Items 5, 6 or 7 may be requested from the U.S. Department of Labor, Wage and Hour Division at either Room 9.102B R. A. Young Building, 1222 Spruce, St. Louis MO 63103 (314) 539-2706; or at Gateway II, Suite 706, 400 State Avenue, Kansas City KS 66101 (913) 551-5721.

8. Occupational Safety and Health Administration Publication 3165 **Job Safety and Health Protection.** This is required by regulations issued by the U.S. Secretary of Labor. You can request a copy from the Occupational Safety and Health Administration at either Room 420, 911 Washington, St. Louis MO 63101 (314) 425-4249; or at Suite 800, 1100 Main, Kansas City MO 64105 (816) 426- 5861.

Electronic copies of items 4 through 8 may be downloaded and printed from the Internet at:

**<http://www.dol.gov/dol/osbp/public/sbrefa/poster/main.htm>**.

Facsimiles of the federal Wage and Hour Publications 1313 and 1321 **Notice to Employees Working on Government Contracts** are not included.

Employers who are performing government contract work are required to display these posters, depending on the contract. If the poster cannot be obtained from the contracting government agency upon signing of such contracts or information is needed regarding which poster is required, contact the U.S. Department of Labor, Wage and Hour Division as previously described for Items 5, 6 and 7.

For additional information regarding required state and federal posters, please contact the Missouri Department of Labor and Industrial Relations, Administrative Services, P.O. Box 59, Jefferson City MO 65104-0059, (573) 751-3194.

## Contact Information

### **Division of Employment Security**

421 East Dunklin Street

PO Box 59

Jefferson City, MO 65104-0059

Telephone: (573) 751-3215

Fax: (573) 751-4945

Claimants E-mail: [ESUIClaims@dolir.state.mo.us](mailto:ESUIClaims@dolir.state.mo.us)

Employers E-mail: [ESEmptax@dolir.state.mo.us](mailto:ESEmptax@dolir.state.mo.us)

### **Missouri Department of Labor and Industrial Relations Unemployment Insurance Appeals Section**

421 East Dunklin Street

P.O. Box 59

Jefferson City, MO 65104-0059

Telephone: (573) 751-3913

Fax: (573) 751-5620

Appeals E-mail: [AppealsTribunal@dolir.state.mo.us](mailto:AppealsTribunal@dolir.state.mo.us)

Web Address: [www.dolir.state.mo.us/es](http://www.dolir.state.mo.us/es)

### **Division of Labor Standards**

3315 West Truman Boulevard Room 205

PO Box 449

Jefferson City, MO 65102-0449

Telephone: (573) 751-3403

Fax: (573) 751-3721

Toll Free: (800) 475-2130

E-mail: [LaborStandards@dolir.state.mo.us](mailto:LaborStandards@dolir.state.mo.us)

### **Division of Workers' Compensation**

3315 West Truman Boulevard Room 131

PO Box 58

Jefferson City 65102-0058

Telephone: (573) 751-4231

Fax: (573) 751-2012

E-mail: [Workerscomp@dolir.state.mo.us](mailto:Workerscomp@dolir.state.mo.us)

**Governor's Council on Disability**

3315 West Truman Boulevard Room 132

PO Box 1668

Jefferson City, MO 65102-1668

Telephone: (573) 751-2600

Fax: (573) 526-4109

Toll Free: (800) 877-8249

E-mail: [gcd@dolir.state.mo.us](mailto:gcd@dolir.state.mo.us)

Missouri Assistive Technology E-mail: [matpmo@swbell.net](mailto:matpmo@swbell.net)

**Labor and Industrial Relations Commission**

3315 West Truman Boulevard Room 214

PO Box 599

Jefferson City, MO 65102-0599

Telephone: (573) 751-2461

Fax: (573) 751-7806

E-mail: [lirc@dolir.state.mo.us](mailto:lirc@dolir.state.mo.us)

**Missouri Commission on Human Rights**

3315 West Truman Boulevard Room 212

PO Box 1129

Jefferson City, MO 65102-1129

Telephone: (573) 751-3325

Fax: (573) 751-2905

E-mail: [MCHR@dolir.state.mo.us](mailto:MCHR@dolir.state.mo.us)

**State Board of Mediation**

3315 West Truman Boulevard Room 202

PO Box 591

Jefferson City, MO 65102-0591

Telephone: (573) 751-3614

Fax: (573) 751-0215

E-mail: [sbm@dolir.state.mo.us](mailto:sbm@dolir.state.mo.us)







**For additional copies of this publication,  
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[www.dolir.state.mo.us](http://www.dolir.state.mo.us)



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Adm.